

3.12 Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in assets held in trust by the Federal government for Federally recognized Indian tribes or individual Indians. ITAs can be real property, physical assets, or intangible property rights. ITAs cannot be sold, leased, or otherwise alienated without U.S. approval. Examples of things that can be ITAs are land, minerals, water rights, and hunting and fishing rights.

Reclamation's ITA policy states that Reclamation will carry out its activities in a manner that protects ITAs and avoids adverse impacts when possible. When Reclamation cannot avoid adverse impacts, it will provide appropriate mitigation or compensation.

3.12.1 Affected Environment

There are no California Indian reservations, rancherias, or public domain allotments in the vicinity of the Proposed Action. The nearest ITA to the project area is the Colusa Rancheria, which lies adjacent to the Sacramento River approximately 90 air miles north of the site of the Proposed Action.

The Jackson Mi-Wuk Rancheria's trust land is approximately 70 air miles northeast of the Proposed Action. It is neither located in an area served by CVP, nor within the project area, and is unaffected by the proposed action. The California Valley Miwok maintain a mailing address in Stockton, California, but have no trust land in the Central Valley, and are also unaffected by the Proposed Action.

BIA reports that no Public Domain Allotments exist in Contra Costa, San Joaquin or Alameda counties.

3.12.2 Approach

Bureau of Indian Affairs maintains information on the location of public domain allotments, Indian reservations, and rancherias for the State of California. Impact assessments for ITAs were based on this information along with maps of Indian lands for the area.

Significance Criteria

The presence of Indian trust land within a project area or potential effects of a Proposed Action on such lands triggers consultation with affected tribes on ITA potential impacts. Consultation with potentially affected tribes would ensue in

compliance with Departmental Manual Chapter 512, Part 2, if the ITA analysis reveals potential impacts on ITAs. Project effects that could conceivably affect ITAs, such as off-reservation, Federally reserved Indian fishing, hunting and gathering rights, also may trigger consultation with affected tribes. There are no known Federally reserved fishing, hunting or gathering rights in the vicinity of the Proposed Action.

3.12.3 Environmental Consequences

No Action Alternative

The No Action Alternative would entail the continuation of existing CVP operations. This alternative would not result in any construction-related or operations-related impacts on ITAs.

Proposed Action Alternative

Because there are (1) no trust lands in the project area, (2) no off-reservation Federally reserved rights in the vicinity of the project area, and (3) the Proposed Action does not affect ITAs outside of the vicinity of the project area, no impacts would occur as a result of the Proposed Action. Although the Colusa Rancheria is located in the northern CVP area adjacent to the Sacramento River, the river flows are not expected to fluctuate outside of the normal range with the implementation of the Proposed Action. Natural patterns of erosion and sedimentation along the river are expected to stay the same with the implementation of the Proposed Action. Therefore, there will be no erosion-related impacts on Colusa Rancheria ITAs in the project area.

3.12.4 Cumulative Effects

The Proposed Action would not affect ITAs and, therefore, would not contribute to a cumulative impact.